

# TOWN OF POSEYVILLE

Office of The Clerk-Treasurer

20 S. Cale Street  
P. O. Box 194 - Poseyville, IN 47633  
812-874-2211

December 6, 2010

*By overnight mail  
(original + 10 copies)*

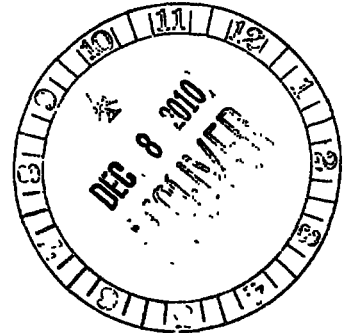
Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

ENTERED  
Office of Proceedings

DEC - 6 2010

Part of  
Public Record

228384



Re: STB Docket No. AB-1065X, *Indiana Southwestern Railway Co. -- Abandonment Exemption -- in Posey and Vanderburgh Counties, IN*

Dear Ms. Brown:

On November 18, 2010, the Town of Poseyville, Indiana filed a Formal Expression of Intent to File an Offer of Financial Assistance (OFA) for purchase of the entire 12.2-mile rail line proposed for abandonment in the above proceeding. As a result of that filing, the effective date of an exemption for the proposed abandonment was postponed to December 24, 2010.

In accordance with 49 C.F.R. § 1152.27(a), the Town of Poseyville's filing also contained a request that Indiana Southwestern Railway Co. (ISW) furnish the information and documentation referred to in 49 C.F.R. §§ 1152.27(a)(1)(ii), (2), and (3).

The Town also requested that ISW estimate the date on which it will furnish that information and documentation. If that date were to be less than 10 days before the extended effective date of the exemption, the Town stated that it would seek a further extension of that effective date such that upon receipt of such information and documentation the Town would have at least 10 days prior to the extended effective date within which to file its OFA.

Notwithstanding the passage of more than two weeks since ISW received the Town's request for such an estimated date, ISW has not provided any such estimate.

In the absence of an ISW response to the Town's request, the burden should not be on the Town to repeatedly seek an extension of the effective date of the exemption. Therefore, the Town hereby respectfully seeks an order from the Board extending the date for filing of the Town's OFA to a date 10 days after ISW fully complies with the regulations requiring that it furnish information and documentation in response to the Town's request. The Town would

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undertake to notify the Board of the date on which it received information and documentation in full compliance with such regulations. The Town would have 10 days from that date to file an OFA.

Very truly yours,

A handwritten signature in black ink, reading "William H. Bender". The signature is written in a cursive, flowing style with a large initial "W".

William H. Bender  
Town of Poseyville Attorney

cc: William W. Mullins, Esq.  
Robert A. Wimbish, Esq.